

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

██████████ 2019
Signature Confirmation

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Hearing Request # 147202

NOTICE OF DECISION

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PROCEDURAL BACKGROUND

On ██████████ 2019, Health Insurance Exchange, Access Health CT (“AHCT”) issued a notice to ██████████, (the “Appellant”), discontinuing his Medicaid/HUSKY D healthcare coverage.

On ██████████ 2019, the Appellant requested an administrative hearing to contest the discontinuance of Medicaid/HUSKY D healthcare coverage.

██████████, 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2019.

██████████, 2019, in accordance with sections 17b-60, 17b-264 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, Title 45 of the Code of Federal Regulations (“CFR”) §§ 155.505(b) and 155.510 and/or 42 CFR § 457.1130, OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Krystal Sherman- Davis, AHCT Representative
Thomas Monahan, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether AHCT correctly discontinued the Medicaid/HUSKY D healthcare coverage.

FINDINGS OF FACT

1. In [REDACTED], AHCT received an application from the Appellant for his renewal of Husky D. (Hearing record)
2. The Appellant is a Husky D recipient. (Hearing record)
3. The Appellant's household consists of one person (Appellant's testimony, Exhibit 3: Application).
4. The Appellant is [REDACTED] years old [REDACTED] (Ex. 1: Application form, Appellant's Testimony).
5. On the application, the Appellant reported earned income of \$2,044.00 per month. (Exhibit 1: Application).
6. The Appellant did not report any allowable income deductions. (Hearing record, Exhibit 1: Application)
7. On [REDACTED], AHCT issued a notice to the Appellant informing him that he was not eligible for Husky D effective [REDACTED] 2019, because his monthly income of \$2,044.00 exceeded the income limit of \$1,436.00 for a household of one. (Ex. 4: Results of Health Care Renewal)
8. The Appellant's Husky D did not close on [REDACTED] 2019. (AHCT representative's testimony)
9. On [REDACTED], 2019, AHCT issued a notice to the Appellant informing him that he was not eligible for Husky D because his monthly income of \$2,044.00 exceeded the income limit of \$1,436.00 for a household of one. (Exhibit 1: Health Care Renewal results, [REDACTED]/19)
10. The Federal Poverty Limit ("FPL") for a family of one at the time of the renewal was \$12,490.00 per year which converted equals \$1040.83 ($\$12,490 / 12 = \1040.83) per month. (Federal Register)
11. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant

requested an administrative hearing on [REDACTED] 2019. This decision, therefore, was due no later than [REDACTED] 5, 2020, and is therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-260 of the Connecticut General Statute provides that the Commissioner of Social Services is authorized to take advantage of the medical assistance programs provided in Title XIX, entitled "Grants to States for Medical Assistance Programs", contained in the Social Security Amendments of 1965 and may administer the same in accordance with the requirements provided therein, including the waiving, with respect to the amount paid for medical care, of provisions concerning recovery from beneficiaries or their estates, charges and recoveries against legally liable relatives, and liens against property of beneficiaries.
2. State statute provides that all of the provisions of sections 17b-22, 17b-75 to 17b-77, inclusive, 17b-79 to 17b-83, inclusive, 17b-85 to 17b-103, inclusive, and 17b-600 to 17b-604, inclusive, are extended to the medical assistance program except such provisions as are inconsistent with federal law and regulations governing Title XIX of the Social Security Amendments of 1965 and sections 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive, and 17b-357 to 17b-361, inclusive. [Conn. Gen. Stats. § 17b-264]
3. 45 CFR § 155.110(a) provides that the State may elect to authorize an Exchange established by the State to enter into an agreement with an eligible entity to carry out one or more responsibilities of the Exchange. Eligible entities are: (1) An entity: (i) Incorporated under, and subject to the laws of, one or more States; (ii) That has demonstrated experience on a State or regional basis in the individual and small group health insurance markets and in benefits coverage; and (iii) Is not a health insurance issuer or treated as a health insurance issuer under subsection (a) or (b) of section 52 of the Code of 1986 as a member of the same controlled group of corporations (or under common control with) as a health insurance issuer; or (2) The State Medicaid agency, or any other State agency that meets the qualifications of paragraph (a)(1) of this section.
4. 45 CFR § 155.505(c)(1) provides that exchange eligibility appeals may be conducted by a State Exchange appeals entity or an eligible entity described in paragraph (d) of this section that is designated by the Exchange if the Exchange establishes an appeals process in accordance with the requirements of this subpart.

5. 45 CFR § 155.505(d) provides that an appeals process established under this subpart must comply with § 155.110(a).
6. State statute provides that Husky D or Medicaid Coverage for the Lowest Income Populations program means Medicaid provided to non-pregnant low-income adults who are age 18 to sixty-four, as authorized pursuant to section 17b-8. [Conn. Gen. Stats. § 17b-290(16)]
7. AHCT correctly determined Husky D Medicaid as the appropriate medical coverage group for the Appellant.
8. 42 CFR § 435.119 provides for coverage for an individual aged 19 or older and under age 65 at or below 133 percent of the Federal Poverty Level ("FPL"). It provides in part:
 - a. Basis. This section implements section 1902(a)(10)(A)(i)(VIII) of the Act.
 - b. Eligibility. Effective January 1, 2014, the agency must provide Medicaid to individuals who:
 1. Are age 19 or older and under age 65;
 2. Are not pregnant;
 3. Are not entitled to or enrolled for Medicare benefits under part A or B of title XVIII of the Act;
 4. Are not otherwise eligible for and enrolled for mandatory coverage under a State's Medicaid State plan in accordance with subpart B of this part; and
 5. Have household income that is at or below 133 percent FPL for the applicable family size.
9. 42 CFR § 435.603(b) defines family size as the number of persons counted as members of an individual's household. In the case of determining the family size of a pregnant woman, the pregnant woman is counted as herself plus the number of children she is expected to deliver. In the case of determining the family size of other individuals who have a pregnant woman in their household, the pregnant woman is counted, at State option, as either 1 or 2 person(s) or as herself plus the number of children she is expected to deliver.
10. 42 CFR 435.603(f)(1) provides for the basic rule for taxpayers not claimed as a tax dependent. In the case of an individual who expects to file a tax return for the taxable year in which an initial determination of renewal of eligibility is being made, and who does not expect to be claimed as a tax dependent by another taxpayer, the household consists of the taxpayer and, subject to paragraph (f)(5) of this section, all persons who such individual expects to claim as a tax dependent.

11. AHCT correctly determined the Appellant is a household of one.
12. The Medicaid income limit for a household of one is \$1,337.00 for individuals age 19 or older and under age 65. ($\$1,005.00 \times 133\% = \$1,336.65$ per month)
13. 42 CFR 435.603(a)(2) provides that effective January 1, 2014, the agency must apply the financial methodologies set forth in this section in determining the financial eligibility of all individuals for Medicaid, except for individuals identified in paragraph (j) of this section and as provided in paragraph (a)(3) of this section.
14. 42 CFR § 435.603(c) provides that except as specified in paragraph (i), (j), and (k) of this section, the agency must determine financial eligibility for Medicaid based on “household income” as defined in paragraph (d) of this section.
15. 42 CFR § 435.603(d)(1) provides for household income. Except as provided in paragraphs (d)(2) through (d)(4) of this section, household income is the sum of the MAGI-based income, as defined in paragraph (e) of this section, of every individual included in the individual’s household.
16. 42 CFR § 435.603(d)(4) provides that effective January 1, 2014, in determining the eligibility of an individual using MAGI –based income, a state must subtract an amount equivalent to 5 percentage points of the Federal poverty level for the applicable family size only to determine the eligibility of an individual for medical assistance under the eligibility group with the highest income standard using MAGI based methodologies in the applicable Title of the Act, but not to determine eligibility for a particular eligibility group.
17. Five percent of the FPL for a family of one is \$823.00 ($\$12,490.00 \times .05$) per year which was converted to \$52.42 ($\$624.50/12$) per month.
18. 42 CFR § 435.603(e) provides for MAGI-based income. For the purposes of this section, MAGI-based income means income calculated using the same financial methodologies used to determine modified adjusted gross income as defined in section 36B(d)(2)(B) of the Code, with the following exceptions:
 1. An amount received as a lump sum is counted as income only in the month received.
 2. Scholarships, awards, or fellowship grants used for education purposes and not for living expenses are excluded from income.
 3. Provides for American Indian/Alaska Native exceptions.

19. United States Code (“U.S.C.”) § 36B(d)(2)(B) provides that the term “modified adjusted gross income” means adjusted gross income increased by-
 - i. Any amount excluded from gross income under section 911,
 - ii. Any amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax, and
 - iii. An amount equal to the portion of the taxpayer’s social security benefits (as defined in section 86(d) which is not included in gross income under section 86 for the taxable year.
20. 42 CFR § 435.603(h)(2) provides for current beneficiaries; a State may elect in its State plan to base financial eligibility either on current monthly household income and family size or income based on projected annual household income and family size for the remainder of the current calendar year.
21. The Appellant’s current monthly gross income is \$2,044.00.
22. The Appellant’s countable income is \$1,991.58 (\$2,044- \$52.42, 5% of the FPL for a household of one = \$1,991.58)
23. The Appellant’s countable income of \$1,991.58 exceeds the Medicaid income limit of \$1,040.83 for a household of one.
24. AHCT correctly determined the Appellant ineligible for Husky D because the Appellant’s income exceeds the Husky D income limit for a household of one.
25. AHCT correctly discontinued the Appellant’s Medicaid benefits under the Husky D program effective [REDACTED], 2019.

DECISION

The Appellant’s appeal is **DENIED**.

DISCUSSION

At the hearing, the Appellant reported a change in monthly income to \$1,600.00 per month. The Appellant may reapply for Husky D although his income still exceeds the monthly limit.



Thomas Monahan
Hearing Officer

C: Krystal Sherman- Davis, Health Insurance Exchange Access Health CT
Becky Brown, Health Insurance Exchange, Access Health, CT
Mike Towers, Health Insurance Exchange, Access Health, CT

**Modified Adjusted Gross Income (MAGI) Medicaid and
Children's Health Insurance Program (CHIP)
Right to Request Reconsideration**

For denials or reductions of MAGI Medicaid and CHIP, the Appellant has the right to file a written reconsideration request within 15 days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the Appellant will be notified within 25 days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a(a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists. Reconsideration requests should be sent to: Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105-3725.

Right to Appeal

For denials, terminations or reductions of MAGI Medicaid and CHIP eligibility, the Appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The 45 day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or his designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extensions final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the Appellant resides.